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I. Introduction: "change our story"

1. Children in street situations consulted for the present general comment spoke strongly about the need for respect, dignity and rights. In expressing their feelings, they said, inter alia: "Respect us as human beings"; "I would like for people who have never lived on the streets to see us as persons with pride, like normal people"; "It's not about getting us off the streets and into shelters. It's about giving us a status"; "Governments should not say we should not be on the streets. They should not harass us if on the streets. We should be accepted"; "Living on the street does not mean that we cannot have rights"; "The street leaves its mark: either you get out or you don't"; "We don't want help, charity, pity. Governments should work with the community to give us rights. We're not asking for charity. I want to become someone to fend for myself"; "[People] should give us a chance to use our gifts and talents to achieve our dreams"; "Give us the opportunity to change our story".[1]

II. Overall context

Purpose

2. In the present general comment, the Committee on the Rights of the Child provides authoritative guidance to States on developing comprehensive, long-term national strategies on children in street situations using a holistic, child rights approach and addressing both prevention and response in line with the Convention on the Rights of the Child. While the Convention makes no explicit reference to them, all of its provisions are applicable to children in street situations, who experience violations of a large majority of the Convention's articles.

Consultations

3. In total, 327 children and young people from 32 countries were consulted in seven regional consultations. Civil society representatives responded to a general call for submissions, and an advanced draft was shared with all States parties.

Terminology

4. In the past, the terms used to describe children in street situations have included "street children", "children on the street", "children of the street", "runaway children", "throwaway children", "children living and/or working on the street", "homeless children" and "street-connected children". In the present general comment, the term "children in street situations" is used to comprise: (a) children who depend on the streets to live and/or work, whether alone, with peers or with family; and (b) a wider population of children who have formed strong connections with public spaces and for whom the street plays a vital role in their everyday lives and identities. This wider population includes children who periodically, but not always, live and/or work on the streets and children who do not live or work on the streets but who regularly accompany their peers, siblings or family in the streets. Concerning children in street situations, "being in public spaces" is understood to include spending a significant amount of time on streets or in street markets, public parks,

[1] All quotations are from consultations or written submissions for the present general comment. Respectively, they are from: children in Bangladesh (written submission from Dhaka); children in Latin America (consultation in Mexico); a 15-year-old boy from Brazil; an 18-year-old boy and girl from India; children and young people from the Democratic Republic of the Congo; children and young people in Europe (consultation in Brussels); a 16-year-old boy from Pakistan; a boy from Burundi; and an 18-year-old boy from Brazil.

public community spaces, squares and bus and train stations. It does not include public buildings such as schools, hospitals or other comparable institutions.

Key observations

5. There are different approaches used with respect to children in street situations, sometimes in combination. They include a child rights approach, whereby the child is respected as a rights holder and decisions are often made with the child; a welfare approach, involving the "rescue" of children perceived to be an object or victim from the street and whereby decisions are made for the child without serious consideration for her or his views; and a repressive approach, whereby the child is perceived to be a delinquent. The welfare and repressive approaches fail to take into account the child as a rights holder and result in the forcible removal of children from the streets, which further violates their rights. Indeed, claiming that welfare and repressive approaches are in the best interests of the child does not make them rights based.[2] To apply the Convention, it is essential to use a child rights approach.

6. Children in street situations are not a homogenous group. Characteristics are diverse in terms of age, sex, ethnicity, indigenous identity, nationality, disability, sexual orientation and gender identity/expression, among others. This diversity implies different experiences, risks and needs. The nature and time spent physically on the street varies significantly from child to child, as does the nature and extent of relationships with peers, family members, community members, civil society actors and public authorities. Children's relationships can help them survive on the streets and/or perpetuate conditions of violent abuse of their rights. Children engage in a range of activities in public spaces, including work, socialization, recreation/leisure, shelter, sleeping, cooking, washing and engaging in substance abuse or sexual activity. Children may engage in such activities voluntarily, through lack of viable choices or through coercion or force by other children or adults. Children may conduct these activities alone or in the company of family members,[3] friends, acquaintances, gang members, or exploitative peers, older children and/or adults.

7. Often, data are not systematically collected or disaggregated, so it is not known how many children are in street situations. Estimates fluctuate according to definitions used that reflect socioeconomic, political, cultural and other conditions. The absence of data makes these children invisible, which leads to policies not being developed or measures that are ad hoc, temporary or short-term. This results in the persistence of multiple rights violations that force children onto the streets and that continue when children are on the streets. This issue concerns every State.

8. Causes, prevalence and experiences of children in street situations differ within and between States. Inequalities based on economic status, race and gender are among the structural causes of the emergence and exclusion of children in street situations. These are exacerbated by material poverty, inadequate social protection, poorly targeted investment, corruption and fiscal (tax and expenditure) policies that reduce or eliminate the ability of poorer people to move out of poverty. Abrupt destabilization, caused by conflict, famine, epidemic, natural disaster or forced eviction, or events leading to displacement or forced migration, further compound the effects of structural causes. Other causes include: violence, abuse, exploitation and neglect at home or in care or educational (including religious) institutions; the death of caregivers; child relinquishment (including through HIV/AIDS);[4]

[2] See general comments No. 13 (2011) on the right of the child to freedom from all forms of violence, para. 59, and No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration.

[3] For children in street situations with their families, this general comment focuses on the children as the main rights-holders. Where children in street situations have children of their own, the best interests of each generation of children must be a primary consideration.

[4] See general comment No. 3 (2003) on HIV/AIDS and the rights of the child, para. 7.

unemployment of caregivers; precarious families; family breakdown; polygamy;[5] exclusion from education; substance abuse and mental ill-health (of children or families); intolerance and discrimination, including against children with disabilities, children accused of witchcraft, former child soldiers rejected by families and children cast out from families as a result of questioning their sexuality or identifying as lesbian, gay, bisexual, transgender, intersex or asexual; and families' inability to accept children's resistance to harmful practices, such as child marriage and female genital mutilation.[6]

III. Objectives

9. The objectives of the general comment are:

(a) To clarify the obligations of States in applying a child rights approach to strategies and initiatives for children in street situations;

(b) To provide comprehensive and authoritative guidance to States on using a holistic, child rights approach to: prevent children experiencing rights violations and the lack of choices that results in them having to depend on the streets for their survival and development; and to promote and protect the rights of children already in street situations, ensuring a continuum of care and helping them to develop to their fullest potential;

(c) To identify the implications of particular articles of the Convention for children in street situations to enhance respect for them as rights holders and full citizens, and to enhance understanding of children's connections to the street.

IV. Holistic long-term strategies based on a child rights approach

A. Child rights approach

Description

10. In a child rights approach, the process of realizing children's rights is as important as the end result. A child rights approach ensures respect for the dignity, life, survival, well-being, health, development, participation and non-discrimination of the child as a rights holder.

11. According to the United Nations Children's Fund (UNICEF),[7] a child rights approach is one that:

(a) Furthers the realization of child rights as established in the Convention and other international human rights instruments;

(b) Uses child rights standards and principles from the Convention and other international human rights instruments to guide behaviour, actions, policies and programmes, particularly: non-discrimination; the best interests of the child; the right to life, survival and development; the right to be heard and taken seriously; and the child's right to be guided in the exercise of his or her rights by caregivers, parents and community members, in line with the child's evolving capacities;

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[5] See joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, paras. 25-28.

[6] Ibid., paras. 19-24.

[7] See UNICEF, *Child Rights Education Toolkit*: Rooting Child Rights in Early Childhood Education, Primary and Secondary Schools (Geneva, 2014), p. 21. Available from https://www.unicef.org/crc/files/UNICEF_CRE_Toolkit_FINAL_web_version170414.pdf. See also general comment No. 13, para. 59. See also "Human Rights Based Approach to Development Cooperation", available from http://hrbaportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies.

(c) Builds the capacity of children as rights holders to claim their rights and the capacity of duty bearers to fulfil their obligations to children.

Significance for children in street situations

12. The Committee considers that strategies and initiatives that adopt a child rights approach fulfil the main criteria for good practice, regardless of level or context. Children in street situations are often distrustful of adult intervention in their lives. Their abusive treatment by adults in society has led them to be unwilling to relinquish their hard-won, albeit limited, autonomy. This approach emphasizes full respect for their autonomy, including supporting them to find alternatives to depending on the streets. It promotes their resilience and capabilities, increasing their agency in decision-making and empowering them as socioeconomic, political and cultural actors. It builds on their existing strengths and the positive contributions they make to their own survival and development and that of their peers, families and communities. Applying this approach is not only a moral and legal imperative but also the most sustainable approach for identifying and implementing long-term solutions with children in street situations.

B. National strategies

Overview

13. To comply with obligations under the Convention, States are urged to adopt holistic and long-term strategies and make the necessary budget allocations for children in street situations. The cross-cutting issues and processes are shown below, followed by the thematic content to be addressed in such strategies. As experts on their own lives, children in street situations should participate in developing and implementing strategies. A first step is for States to collect information about such children in their country to decide how best to uphold their rights. States should take a cross-sectoral approach to understand how policy in one area, for example, finance, affects policy in another, for example, education, which in turn affects children in street situations. States should encourage cross-sectoral and inter-State cooperation.

Legislative and policy review

14. States should assess how laws and policies can be improved to reflect the recommendations of the present general comment. States should, with immediate effect: remove provisions that directly or indirectly discriminate on the grounds of the street situation of children or their parents or family; abolish any provisions allowing or supporting the round-up or arbitrary removal of children and their families from the streets or public spaces; abolish where appropriate offences that criminalize and disproportionately affect children in street situations, such as begging, breach of curfews, loitering, vagrancy and running away from home; and abolish offences that criminalize children for being a victim of commercial sexual exploitation, and so-called moral offences, such as sex outside of marriage. States should introduce or review an act on child protection or children based on a child rights approach and that specifically addresses children in street situations. The act should be implemented by enabling policies, mandates, operating procedures, guidelines, service delivery, oversight and enforcement mechanisms, and developed in collaboration with key stakeholders, including children in street situations. States may need to develop nationally relevant policy and legal definitions of such children on the basis of participatory research, in contexts where this is necessary to facilitate interventions by legally mandated professionals and services. However, the process of developing legal definitions should not delay taking action to address rights violations.

Role of the State and responsibilities, regulation and coordination of non-State actors

15. Strategies for children in street situations should acknowledge State and non-State actors. The role of the State, as primary duty bearer, is outlined in section V below. States have an obligation to help parents or caregivers to secure, within their abilities and financial capacities and with respect for the evolving capacities of the child, the living conditions

necessary for the child's optimal development (arts. 5, 18 and 27). States should also support civil society, as complementary actors, in providing personalized, specialist services for children in street situations the basis of a child rights approach, through funding, accreditation and regulation. The business sector must meet its responsibilities regarding children's rights, and States should ensure it does so.[8] Coordination is needed between State and non-State actors. States are legally obliged to ensure that non-State service providers operate in accordance with the provisions of the Convention.[9]

Addressing complexity

16. Strategies need to address multiple causes, ranging from structural inequalities to family violence. They also need to take into account measures for immediate implementation, such as stopping round-ups or the arbitrary removal of children from public spaces, and measures to be implemented progressively, such as comprehensive social protection. A combination of legal, policy and service provision changes is likely to be needed. States should commit to fulfilling human rights beyond childhood. Particularly, States should ensure follow-up mechanisms for children in alternative care settings and in street situations as they transition into adulthood at the age of 18, to avoid an abrupt termination of support and services.

Comprehensive child protection systems

17. Within a legislative and policy framework, budgeting for, developing and strengthening holistic child protection systems, on the basis of a child rights approach, forms the basis of the practical measures required for prevention and response strategies. Such national child protection systems need to reach children in street situations and should incorporate fully the specific services they need. The systems need to provide a continuum of care across all relevant contexts, including prevention, early intervention, street outreach, helplines, drop-in centres, day-care centres, temporary residential care, family reunification, foster care, independent living or other short- or long-term care options. However, not all of these contexts are relevant for all children in street situations. For example, prevention and early intervention are priorities for children at the early stages of developing strong and harmful street connections, but are not relevant for children born in street situations. Some children may not experience residential placements while, for others, family reunification is not relevant or appropriate. Strategies should make it clear that a child rights approach needs to apply to each and every context. Administrative burdens and delays in gaining access to child protection systems should be reduced. Information should be made available in child-friendly and accessible formats and children in street situations should be supported to understand and navigate child protection systems.

Capacity-building of those in contact with the child

18. States should invest in good quality initial and in-service basic training on child rights, child protection and the local context of children in street situations for all professionals who may come into direct or indirect contact with children in street situations, in such areas as policymaking, law enforcement, justice, education, health, social work and psychology. This training may draw on the expertise of non-State actors and should be integrated into the curricula of relevant training institutions. Additional in-depth training on a child rights approach, psychosocial support and child empowerment is required for professionals working with children in street situations as a dedicated part of their mandate, for example, street-based social workers and specialized child protection units of the police service. "Outreach walks" and "street walks" are an important on-the-ground training method. Basic and specialized training should include attitudinal and behavioural change, as well as knowledge transfer and skills development, and should encourage intersectoral cooperation and collaboration. National and local governments should understand and

[8] See general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, para. 8.

[9] See general comments No. 5 (2003) on general measures of implementation of the Convention, paras. 42-44; No. 7 (2005) on implementing child rights in early childhood, para. 32; No. 9 (2006) on the rights of children with disabilities, para. 25; and No. 16, para. 25.

support the critical role of social workers, including street-based workers, in early detection, providing support to families with children at risk and to children in street situations. Professionals should be involved in participatory development of operating procedures, good practice guidelines, strategic directives, plans, performance standards and disciplinary codes, and should receive support to implement these in practice. States should facilitate sensitization and training for other stakeholders who come into direct or indirect contact with children in street situations, such as transport workers, media representatives, community and spiritual/religious leaders and private sector actors, who should be encouraged to adopt the Children's Rights and Business Principles.[10]

Service provision

19. States should take action to secure the ability of children in street situations to gain access to basic services such as health and education, and to justice, culture, sport and information. States should ensure their child protection systems provide for specialized services on the street, involving trained social workers with good knowledge of local street connections and who can help children reconnect with family, local community services and wider society. This does not necessarily imply that children should renounce their street connections, but rather, the intervention should secure their rights. Prevention, early intervention and street-based support services are mutually reinforcing elements and provide a continuum of care within an effective long-term and holistic strategy. While States are the primary duty bearers, civil society activities may complement States' efforts in developing and delivering innovative and personalized service provision.

Implementation at the local government level

20. Successful initiatives rely on a detailed understanding of local contexts and individualized support to children. Care must be taken when scaling up initiatives not to lose children in the process. States should encourage and support local-level, partnership-based, specialized interventions on the basis of a child rights approach, small and flexible, with adequate budgets, often led by civil society organizations with local expertise. These interventions should be coordinated by local governments and supported by the State, through the national child protection system. They could benefit from support from the private sector, for capacity-building resources and organizational skills, and academia, for research capacity to enable evidence-based decision-making. Child-friendly cities and communities contribute to an atmosphere of acceptance and provide the basis for social networks and community-based protection systems for children in street situations. Children in street situations should be supported to participate in local, decentralized bottom-up planning processes.

Monitoring and accountability

21. The effective implementation of legislation, policies and services relies on clear monitoring and accountability mechanisms that are transparent and robustly enforced. States should support the involvement of children in street situations, including in social accountability mechanisms, such as coalitions of State and non-State actors, committees or working groups that monitor public policy, focusing on children in street situations. Independent national human rights institutions for promoting and monitoring implementation of the Convention,[11] such as children's rights ombudspersons, must be easily accessible to children in street situations.

Access to justice and remedies

22. Children in street situations who have been victims or are survivors of human rights violations have the right to effective legal and other remedies, including legal representation. This includes access to individual complaints mechanisms, by children themselves and/or represented by adults, and to judicial and non-judicial redress

[10] See http://childrenandbusiness.org. See also general comment No. 16.

[11] See general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, paras. 2 and 15.

mechanisms at the local and national levels, including independent human rights institutions. When domestic remedies are exhausted, access to applicable international human rights mechanisms should be available, including the procedure set up by the Optional Protocol to the Convention on a communications procedure. Reparation measures can include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition of rights violations.[12]

Data collection and research

23. In partnership with academia, civil society and the private sector, States should develop systematic, rights-respecting, participatory mechanisms to collect data and share disaggregated information about children in street situations. States must ensure that the collection and use of such information does not stigmatize or harm these children. Collecting data on children in street situations should be integrated into national data collection on children, ensuring that national data do not rely solely on household surveys, but also cover children living outside household settings. Children in street situations should participate in setting the aims and agendas of research and in gathering information, analysing and disseminating research to inform policymaking, and designing specialized interventions.[13] Street situations change rapidly, and research needs to be carried out periodically to ensure policy and programmes are up to date.

V. Key articles of the Convention in relation to children in street situations

Overview

24. All the rights contained in the Convention and its Optional Protocols are interrelated and indivisible, for children in street situations as for all children. The present general comment should be read in conjunction with all other general comments of the Committee. The present general comment focuses on articles that have particular significance for children in street situations and that have not previously been the focus of general comments by the Committee. For example, although provisions relating to violence, education, juvenile justice and health are clearly important, they feature here as relatively brief references to existing general comments. Some other articles, on the other hand, receive greater scrutiny given their implications for children in street situations and the fact that they have not previously been explored in detail by the Committee. The articles selected below do not imply a predominance of civil and political rights over social, economic and cultural rights for children in street situations.

A. Articles of overarching relevance in a child rights approach

Article 2 on non-discrimination

Non-discrimination on the grounds of social origin, property, birth or other status

25. States must respect and ensure the rights set forth in the Convention for each child within their jurisdiction without discrimination of any kind. However, discrimination is one of the prime causes of children ending up in street situations. Children are then discriminated against on the basis of their connections with the street, that is, on the grounds of their social origin, property, birth or other status, resulting in lifelong negative consequences. The Committee interprets "other status" under article 2 of the Convention to include the street situation of a child or his or her parents and other family members.

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[12] See www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx.

[13] See Office of the United Nations High Commissioner for Human Rights (OHCHR), "A Human Rights-Based Approach To Data", available from www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf.

Systemic discrimination[14]

26. Discrimination may be direct or indirect.[15] Direct discrimination includes disproportionate policy approaches to "tackle homelessness" that apply repressive efforts to prevent begging, loitering, vagrancy, running away or survival behaviours, for example, the criminalization of status offences,[16] street sweeps or "round-ups", and targeted violence, harassment and extortion by police. Direct discrimination can include: the refusal by police to take seriously reports by children in street situations of theft or violence; discriminatory treatment within juvenile justice systems; the refusal of social workers, teachers or health care professionals to work with children in street situations; and harassment, humiliation and bullying by peers and teachers in schools. Indirect discrimination includes policies that result in exclusion from basic services, such as health and education, for example by requiring payment or the provision of identity documents. Even if children in street situations are not isolated from basic services, they might be isolated within such systems. Children can face multiple and intersecting forms of discrimination, for example, on the basis of gender, sexual orientation and gender identity/expression, disability, race, ethnicity, indigenous status,[17] immigration status and other minority status, particularly as minority groups are often overrepresented among children in street situations. Children subject to discrimination are more vulnerable to violence, abuse, exploitation, sexually transmitted infections, including HIV, and their health and development are put at greater risk.[18] States are reminded that guaranteeing the right to non-discrimination is not only a passive obligation to prohibit all forms of discrimination, but also requires appropriate proactive measures to ensure effective equal opportunities for all children to enjoy the rights under the Convention. This requires positive measures aimed at redressing a situation of substantive inequality.[19] Systemic discrimination is responsive to, and can therefore be addressed by, legal and policy change. Children in street situations have highlighted the discrimination and negative attitudes by the public they face as a specific concern, and asked for there to be awareness-raising and educational measures to counter them.

Eliminating discrimination

27. Discrimination should be eliminated formally, by ensuring that a State's constitution, laws and policies do not discriminate on the grounds of street situation, and substantively, by paying sufficient attention to children in street situations as a group who have suffered persistent prejudice and who require affirmative action.[20] Temporary special measures necessary to accelerate or achieve de facto equality of children in street situations should not be considered discrimination. States should ensure: that children in street situations are equal under the law; that all discrimination on the basis of street situation is prohibited; that incitement to discriminate and harassment[21] is addressed; that children in street situations and their families are not arbitrarily deprived of their property; and that curfews are legitimate, proportional and non-discriminatory. States should also sensitize professionals, the private sector and the public to the experiences and rights of children in street situations, with the aim of positively transforming attitudes. States should support creative artistic, cultural and/or sports programmes led by, or involving, children in street situations that help to address misconceptions and break down barriers with professionals, communities — including other children — and wider society through visible mutual dialogue and interaction. This may include street circus, theatre, music, art and sports matches. States should work with print, broadcast and social media to disseminate and amplify sensitization and de-stigmatization messages and stories on the basis of a child rights approach. Public fear of crime committed by children in street situations is often media-fuelled and

[14] See Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, para. 12.

[15] Ibid., para. 10.

[16] See general comments No. 4 (2003) on adolescent health and development in the context of the Convention, para. 12, and No. 10 (2007) on children's rights in juvenile justice, paras. 8-9.

[17] See general comment No. 11 (2009) on indigenous children and their rights under the Convention.

[18] See general comments No. 4, para. 6, and No. 3, para. 7.

[19] See general comment No. 14, para. 41.

[20] See Committee on Economic, Social and Cultural Rights, general comment No. 20, para. 8.

[21] Ibid., para. 7.

disproportionate to reality. The media should be actively encouraged to use accurate data and evidence and conform to child protection standards to safeguard children's dignity, physical security and psychological integrity.

Article 3 (1) on the best interests of the child

28. The obligations attached to this right are fundamental, as part of a child rights approach, to secure the holistic physical, psychological and moral integrity of children in street situations and promote their human dignity. These children have been identified as particularly vulnerable. As the Committee has already stated, the best interests of a child in a specific situation of vulnerability will not be the same as those of all the children in the same vulnerable situation. Authorities and decision makers need to take into account the different kinds and degrees of vulnerability of each child, as each child is unique and each situation must be assessed according to the child's uniqueness.[22] In this context, "vulnerability" should be considered in conjunction with the resilience and self-reliance of individual children in street situations.

Article 6 on the right to life, survival and development

Right to life

29. Children in street situations are at risk of, inter alia: extrajudicial killings by State agents; murder by adults or peers, including murder linked to so-called vigilante justice, and association with/targeting by criminal individuals and gangs, and when the State does not prevent such crimes; exposure to potentially life-threatening conditions associated with hazardous forms of child labour, traffic accidents,[23] substance abuse, commercial sexual exploitation and unsafe sexual practices; and death due to lack of access to adequate nutrition, health care and shelter. The right to life should not be interpreted narrowly.[24] It concerns individuals' entitlement to be free from acts and omissions intended or expected to cause their unnatural or premature death, and to enjoy a life with dignity. In 1999, in the case of the torture and murder by police of three children and two young people in street situations in 1990, the Inter-American Court of Human Rights ruled that arbitrary privation of life is not limited to the illegal act of homicide, but extends to the deprivation of the right to live with dignity. This conception of the right to life extends not only to civil and political rights but also to economic, social and cultural rights. The need to protect the most vulnerable people — as in the case of street children — definitely requires an interpretation of the right to life that encompasses the minimum conditions for a life with dignity.[25]

30. The Committee has already highlighted that growing up in conditions of absolute poverty threatens children's survival and their health and undermines their basic quality of life.[26]

Right to survival and development

31. The Committee expects States to interpret "development" as a holistic concept, embracing the child's physical, mental, spiritual, moral, psychological and social development. Children in street situations have a limited range of activities and behaviours from which to choose for their survival and development in public spaces. States' obligations under article 6 necessitate careful attention being given to the behaviours and lifestyles of children, even if they do not conform to what specific communities or societies determine to be acceptable under prevailing cultural norms for a particular age group. Programmes can only be effective when they acknowledge the realities of children in street

[22] See general comment No. 14, paras. 75-76.

[23] See general comment No. 4, para. 21.

[24] The preparatory work of the Convention indicate that the rights to life, survival and development under article 6 were understood as complementary and not mutually exclusive, and that the article poses positive obligations (E/CN.4/1988/28).

[25] Joint opinion, *Villagrán Morales et al v. Guatemala*, Inter-American Court of Human Rights, 19 November 1999. Available from www.corteidh.or.cr/docs/casos/articulos/seriec_63_ing.pdf.

[26] See general comment No. 7, para. 26.

situations.[27] Interventions should support individual children in street situations to achieve their optimal development,[28] maximizing their positive contribution to society.

Ensuring a life with dignity

32. States have an obligation to respect the dignity of children in street situations and their right to life, survival and development by refraining from State-led violence and by decriminalizing survival behaviours and status offences; to protect children in street situations from harm caused by third parties; and to fulfil their right to life, survival and development by designing and implementing holistic long-term strategies, on the basis of a child rights approach, to secure their development to their fullest potential. States should assist trustworthy and supportive adults — such as family members or State or civil society social workers, psychologists, street workers or mentors — to help children in street situations. States should also put in place procedural and practical funeral arrangements to ensure dignity and respect for children who die on the streets.

Article 12 on the right to be heard[29]

33. Children in street situations face particular barriers in being heard, and the Committee encourages States to make proactive efforts to overcome those barriers. States and intergovernmental organizations should provide — and support civil society organizations in providing — children in street situations with a supportive and enabling environment to: be heard in judicial and administrative proceedings; carry out their own initiatives; and fully participate at the community and national levels in policy and programme conceptualization, design, implementation, coordination, monitoring, review and communication, including through the media. Interventions are of most benefit to children in street situations when the children themselves are involved actively in assessing needs, devising solutions, shaping strategies and carrying them out, rather than being seen as objects for whom decisions are made. States should also listen to relevant adults, such as family and community members, professionals and advocates, when developing prevention and response strategies. Interventions should support individual children in street situations to exercise their rights and develop skills, resilience, responsibility and citizenship, in line with their evolving capacities. States should support and encourage children in street situations to form their own child-led organizations and initiatives, which will create space for meaningful participation and representation.[30] Where appropriate, and when properly safeguarded, children in street situations can raise awareness by sharing their own experiences, to reduce stigmatization and discrimination and to help prevent other children ending up in street situations.

Article 4 on appropriate measures

34. Under article 4, States parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the Convention. This applies to every child without discrimination, paying special attention to the most disadvantaged groups — which clearly includes children in street situations.[31] A minimum core obligation is incumbent upon every State to ensure the satisfaction of, at the very least, minimum essential levels of each of the social, economic and cultural rights.[32] States should ensure that this applies to children in street situations. Lack of available resources is not a valid argument per se for States to not comply with this core obligation. As the Committee has already stated, the immediate and minimum core obligations imposed by children's rights shall not be compromised by any retrogressive measures, even

[27] See general comment No. 3, para. 11.
[28] See general comment No. 5, para. 12.
[29] General comment No. 12 (2009) on the right of the child to be heard.
[30] See ibid., para. 128.
[31] See general comment No. 5, para. 8.
[32] Committee on Economic, Social and Cultural Rights general comment No. 3 (1990) on the nature of States parties' obligations, para. 10.

in times of economic crisis.[33] States should ensure that children in street situations are not affected by regressive measures in times of economic crisis.

Article 5 on direction and guidance consistent with evolving capacities

35. To strengthen prevention, States should build the capacity of parents, extended families, legal guardians and community members to provide appropriate direction and guidance to children, helping them to take into account the child's views, in accordance with their age and maturity; to provide a safe and supportive environment in which the child can develop; and to recognize the child as an active rights holder who is increasingly able to exercise those rights as they develop, given proper guidance and direction. The Committee has already elaborated the principle of the evolving capacities of the child: the more the child knows, has experienced and understands, the more the parent or legal guardian has to transform direction and guidance into reminders and advice, and later to an exchange on an equal footing.[34] Children in street situations require particularly sensitive direction and guidance that respects their life experience. The majority of children in street situations maintain contact with families, and there is increasing evidence on effective ways to strengthen those family connections. If children in street situations have few or no positive connections with parents, extended families or legal guardians, then the role of community members, as referenced in article 5, takes on a stronger significance and this is understood to include support from trustworthy adults associated with civil society organizations.

B. Civil rights and freedoms

Article 15 on the right to freedom of association and peaceful assembly

Overview

36. The realities in which children in street situations live do not fit traditional definitions or conceptualizations of childhood. They have a unique relationship to public spaces compared with other children. State restrictions on article 15 in relation to public spaces may therefore have a disproportionate impact on children in street situations. States should ensure that their access to political and public space in which to associate and peacefully assemble is not denied in a discriminatory way.

Civil and political space

37. Association and peaceful assembly are essential for children in street situations to claim their rights, for example through working children's unions and child-led associations. However, the Committee has regularly expressed concern in its concluding observations regarding the lack of political space afforded to children to speak out. This is particularly constrained for children in street situations, who often lack connections with a trustworthy adult who may be required to legally register an organization. Children in street situations may lack support in completing paperwork and gaining access to information to develop association and peaceful assembly initiatives. Children in street situations may be paid to boost numbers in protests or gatherings. They may be vulnerable to exploitation and unaware of the implications of joining such events, raising complex questions regarding the need to balance protection and participation rights. However, as expressed by the Committee in its concluding observations, this should not be used as an excuse to curtail their right to association and peaceful assembly. Article 15 requires States to empower children in street situations to exercise their participation rights and counter co-option and manipulation by adults.

[33] See general comment No. 19 (2016) on public budgeting for the realization of children's rights, para. 31.

[34] See general comment No. 12 (2009) on the right of the child to be heard, para. 84, and general comment No. 14, para. 44.

Public spaces

38. In addition to association and peaceful assembly in the context of civil and political rights, the Committee emphasizes the importance of respecting the choice of children in street situations to associate together in public spaces, without threat to public order, to satisfy their survival and development rights (art. 6), for rest, play and leisure (art. 31),[37] to create networks and organize their social life, and as a key feature of their lives in general. For children in street situations, this type of gathering together is part of living. It cannot always be broken down into discrete activities like eating, sleeping or recreation. For children not in street situations, this cooperative coexistence with others mainly takes place in settings like the family household or school. For children in street situations, it takes place in public spaces. Such children need to have a safe space in which they can exercise their right to association, interpreted here in conjunction with other rights protected under the Convention as "spending time with others in public spaces". The Committee has explored the decreasing tolerance of children in public spaces in relation to article 31.[38] In the present general comment, it extends those concerns, regarding decreasing tolerance, to the use of public spaces by children for purposes other than those covered under article 31.

Restrictions on article 15

39. In accordance with article 15 (2), policing or other measures relating to public order are only permissible where such measures are taken on the basis of the law, entail individual rather than collective assessment, comply with the principle of proportionality and represent the least intrusive option. Such measures should not be applied on a group or collective basis.[39] This means that harassment, violence, round-ups and street sweeps of children in street situations, including in the context of major political, public or sporting events, or other interventions that restrict or interfere with their rights to association and peaceful assembly, contravene article 15 (2). Not recognizing legally constituted working children's unions and organizations led by children in street situations, and/or requiring licences for organizations to which children in street situations do not have reasonable access, constitute discrimination against them and are not in compliance with article 15 (2).

Implementation measures

40. States should not harass or arbitrarily remove children in street situations from where they associate and peacefully assemble in public spaces. Sanctions should be imposed on those who violate this right. Specialized training is required to build the capacity of police and security forces to deal with public order situations in a way that upholds respect for the rights of children in street situations.[40] Local government by-laws should be reviewed to ensure compliance with article 15 (2). States should support positive measures, such as: empowering children in street situations through child rights education and the development of life skills; preparing stakeholders to accept the views of these children in decision-making as expressed through association and assembly; and promoting the participation of these children in recreation, leisure, sports, artistic and cultural activities alongside other children in the community. Legislation should not require children in street situations' associations or peaceful assemblies to be formally registered to incur protection under article 15.

Articles 7 on birth registration and 8 on identity

41. Lack of proof of identity has a negative impact on the protection of rights for children in street situations in relation to education, health and other social services, justice,

[37] See general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, para. 21.

[38] Ibid., para. 37.

[39] See general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, para. 18. Originally developed in relation to unaccompanied and separated children who have crossed an international border, in the present general comment the Committee extends this interpretation to all children in street situations.

[40] See general comment No. 13, para. 44.

inheritance and family reunification. As a minimum, States should ensure that free, accessible, simple and expeditious birth registration is available to all children at all ages. Children in street situations should be supported proactively to obtain legal identity documents. As a temporary solution, States and local governments should allow innovative and flexible solutions, such as providing informal identity cards, linked to civil society personnel addresses, allowing children in the meantime to gain access to basic services and protection in the justice system. Innovative solutions should be adopted to overcome the challenges faced by children in street situations, who are often highly mobile and who lack the means to keep a physical identity document safe without losing it or having it damaged or stolen.

Articles 13 on freedom of expression and 17 on access to information

82. The right of children in street situations to have access to, seek and impart information about their rights is crucial if those rights are to be understood and realized in practice. Context-specific, accessible child rights education will help to overcome barriers to participation so their voices can be heard. Children in street situations need to have access through accessible and appropriate channels to accurate, high-quality and child-friendly information relating to: (a) the role and accountability of the State, and complaints mechanisms for redress in relation to human rights violations; (b) protection from violence; (c) sexual and reproductive health, including family planning and prevention of sexually transmitted infections; (d) healthy lifestyles, including diet and physical activity; (e) safe and respectful social and sexual behaviours; (f) prevention of accidents; and (g) the negative impacts of abuse of alcohol, tobacco, drugs and other harmful substances.

Article 16 on privacy, honour and reputation

83. Children in street situations may experience limited privacy given that they have to carry out activities in public spaces. Discrimination on the grounds of their or their parents' or family's street situation makes them particularly vulnerable to violations of article 16. The Committee recognizes forced eviction to be a violation of article 16 of the Convention, and the Human Rights Committee has in the past recognized it to be a violation of article 17 of the International Covenant on Civil and Political Rights.[39] Recommendations in paragraph 27 addressing stigmatization, and in paragraph 60 addressing non-discriminatory and respectful treatment by the police, give guidance in relation to honour and reputation.

C. Family environment and alternative care

Article 20 on the right to special protection and assistance for children deprived of a family environment

Types of care

84. For those children in street situations without primary or proxy caregivers, the State is the *de facto* caregiver and is obliged, under article 20, to ensure alternative care to a child temporarily or permanently deprived of his or her family environment.[40] Types of care include: practical and moral support to children on the streets, through a trustworthy adult street worker or peer support, without requiring or coercing children to renounce their street connections and/or move into alternative accommodation; drop-in and community/social centres; night shelters; day-care centres; temporary residential care in group homes; foster care; family reunification; and independent living or long-term care options including, but not exclusively, adoption. Deprivation of liberty, for example, in detention cells or closed centres, is never a form of protection.

[39] See CCPR/C/119/D/2285/2013, para. 22, and CCPR/C/116/D/2112/2011, para. 24.

[40] See general comment No. 13, paras. 33 and 39.

Applying a child rights approach

45. Interventions that do not respect children as active agents in the process of moving off the street into alternative care do not work: children often end up back on the streets when they run away or when placements break down. Placements fail when children in street situations are sent to unfamiliar areas to live with little-known relatives. By applying a child rights approach to the development and provision of alternative choices, States will ensure that children are not forced to depend on their street connections for their survival and/or development and that they are not forced to accept placements against their will. States should ensure, through legislation, regulation and policy directives, that the child's views are solicited and considered in decisions regarding placements, development and review of care plans, and visits with family.[41] States should respect the established international parameters that limit institutionalization as a last resort,[42] ensure that children are not placed in alternative care unnecessarily and ensure that, where alternative care is provided, it is delivered under appropriate conditions responding to the rights and best interests of the child.[43] States should ensure that State and civil society-run shelters and facilities are safe and of good quality. Where placement with family members is deemed, in consultation with the children in street situations themselves, to be in their best interests, careful preparation and follow-up is needed on both sides. A transitional stage between the streets and a long-term placement is often required, the length of this period being determined on a case-by-case basis with the child. Use of police or other detention cells to accommodate children owing to lack of alternative care facilities is not acceptable.

Article 9 on separation from parents

46. Many children in street situations live with their families, either on or off the streets, and/or maintain family connections, and they should be supported to maintain those connections. States should not separate children from their families solely on the basis of the families' street-working or street-living status. Likewise, States should not separate babies or children born to children themselves in street situations. Financial and material poverty, or conditions directly and uniquely imputable to such poverty, should never be the only justification for the removal of a child from parental care but should be seen as a signal for the need to provide appropriate support to the family.[44] To prevent long-term separation, States can support temporary, rights-respecting care options for children whose parents, for instance, migrate for certain periods of the year for seasonal employment.

Articles 3 (3) on standards for care and protection institutions, services and facilities, and 25 on periodic review of placements

47. It is important to establish, maintain and monitor the quality of State and non-State services to prevent children from ending up in street situations as a result of failing to have their care and protection rights fulfilled, and for the benefit of children already in street situations. States should provide quality, rights-respecting services and support civil society organizations to do the same. Non-State institutions, services and facilities for children in street situations should be supported, resourced, accredited, regulated and monitored by the State. Personnel involved in such services should be trained in accordance with paragraph 18.

Article 18 on parental responsibility

48. Support for parents and legal guardians is essential to prevent children ending up in street situations, and to strengthen family reunification programmes for children already in street situations. States are obliged to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and to ensure the development of institutions, facilities and services for the care of children. States should take measures to eliminate structural forces that put pressure on families in precarious

[41] See general comments No. 12, para. 54; No. 6, para. 40; and No. 7, para. 36 (b).
[42] See general comment No. 3, para. 35.
[43] *Guidelines for the Alternative Care of Children*, GA resolution 64/142, annex.
[44] See general comment No. 14, para. 62.

situations. Key issues to address include: improving rights-based community development in impoverished neighbourhoods; establishing comprehensive economic and social safety nets; providing safe and affordable day-care centres and other specialist services; and improving access to adequate housing and income generation for families. In addition to structural and policy approaches, vulnerable families need case-by-case solutions facilitated by well-trained professionals. States should invest in and scale up family support programmes on the basis of a child rights approach that are proved to halt the intergenerational transmission of conditions that exacerbate children ending up in street situations. States should take measures to provide universal education on child rights and positive parenting for all parents and caregivers, prioritizing — in a non-stigmatizing way — families with children at risk of ending up in street situations. This education should include child rights, including how to listen to children and include their views in decision-making; positive child-rearing, including positive discipline skills, non-violent conflict resolution and attachment parenting; and early childhood development. See also paragraphs 35 and 49.

D. Adequate standard of living

Article 27 on the right to an adequate standard of living

Support to parents, caregivers and children

49. In accordance with article 27 (3), States should ensure that all children have a standard of living adequate for their physical, mental, spiritual and moral development, to prevent them ending up in street situations and to fulfil the rights of children already in street situations. States shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing. Those prescriptions leave no leeway for the discretion of States. The implementation of the above in accordance with national conditions and within the means of States parties should be interpreted in conjunction with article 4, that is, to the maximum extent of States parties' available resources and, where needed, within the framework of international cooperation, with particular regard to the obligations of States to fulfil the minimum core obligation for social, economic and cultural rights. In terms of material assistance, children in street situations prioritize the need for a safe place to live, food and free and accessible medical care and education, through State support to parents and caregivers, particularly in relation to subsidized, adequate housing and income generation. The interpretation of article 27 (3) is not limited to measures to assist parents and others responsible for the child. The obligation to provide material assistance and support programmes in case of need should be interpreted as also meaning assistance provided directly to children. This is particularly relevant for children in street situations with non-existent or abusive family connections. Direct material assistance to children in the form of services may be provided either by the State or via State support to civil society organizations. For single-parent and reconstructed families, States' measures to secure maintenance for the child are particularly important (see article 27 (4)).

Adequate housing

50. The right to housing is an important component of article 27 that is particularly relevant for children in street situations. It has been interpreted broadly by the Committee on Economic, Social and Cultural Rights as the right to live somewhere in security, peace and dignity,[45] which clarifies that the concept of "adequacy" in relation to housing requires attention to: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy.[46] Children are among those who suffer disproportionately from the practice of forced

[45] See Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991) on the right to adequate housing, para. 7.

[46] Ibid., para. 8.

eviction.[47] Forced evictions, including through demolition of informal or illegal housing, can make life more precarious for children, forcing them to sleep on the streets and exposing them to further rights violations. A predominant theme of consultations with children in street situations is the inadequacy and inappropriateness of some State-run "shelters", and their high levels of violence and insecurity, such that children prefer to be on the streets.

Implementation measures

51. States should take measures to address the structural causes of poverty and income inequalities to reduce pressure on and strengthen precarious families, as a means of offering better protection for children and reducing the likelihood of children ending up in street situations. Such measures include: introducing tax and expenditure policies that reduce economic inequalities; expanding fair-wage employment and other opportunities for income generation; introducing pro-poor policies for rural and urban development; eliminating corruption; introducing child-focused policies and budgeting; strengthening child-centred poverty alleviation programmes in areas known for high levels of migration; and offering adequate social security and social protection. Specific examples include child benefit programmes used in European and North American countries, and cash transfer programmes introduced in Latin American countries and widely applied in Asian and African countries. States should make efforts so that such programmes reach the most marginalized families who may not have bank accounts. Material support should be made available to parents and caregivers and also directly to children in street situations, and such mechanisms and services should be designed and implemented on the basis of a child rights approach. With regard to housing, security of tenure is essential for preventing children from coming into street situations. This includes access to adequate housing that is safe, with access to safe drinking water, sanitation and hygiene facilities. Children, including those living in informal or illegal housing, should not be subject to forced evictions prior to the provision of adequate alternative accommodation: States are required to make appropriate provisions for affected children. Child and human rights impact assessments should be a prerequisite for development and infrastructure projects to minimize the negative impacts of displacement.

E. Disability and health

Article 23 on children with disabilities

52. Children with disabilities end up in street situations for various reasons, including economic and social factors, and are sometimes exploited for begging. States should take all actions necessary to prevent and to explicitly criminalize such exploitation and to bring perpetrators to justice.[48] Children in street situations may be at risk of developing disabilities owing to the negative impact of aspects of street life, such as violence, exploitation and substance abuse. Intellectual and psychosocial disabilities can render children in street situations particularly vulnerable to exploitation and abuse. States should adopt special protection measures, including identifying and removing barriers that prevent children with disabilities from gaining access to services, including inclusive education.

Articles 24 on health[49] and 33 on drugs and substance abuse

53. The street environment can increase vulnerability regarding physical and mental health issues.[50] Challenges include disproportionately high rates of substance abuse, HIV[51] and other sexually transmitted infections, pregnancy, violence (including by peers), suicidal

[47] See Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997) on forced evictions, para. 10.

[48] See general comment No. 9, para. 76.

[49] General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health.

[50] See general comment No. 4, para. 34.

[51] See general comment No. 3, para. 30.

thoughts and suicide, self-medicating with unregulated medicines and exposure to infectious diseases, pollution and traffic accidents. The Committee emphasizes the need for health education and services, including on sexual and reproductive health, tailored to the specific needs of children in street situations. Such education and services should be friendly and supportive, comprehensive, accessible, free, confidential, non-judgmental, non-discriminatory, respectful of autonomous decision by the children, and without the requirement for parental consent.[52] Health services should be made accessible regardless of physical location or social status. Children in street situations should have access to free basic health-care services through universal health coverage and social protection schemes. States should increase the availability of prevention, treatment and rehabilitation services for substance abuse, including harm-reduction services, and trauma therapy and mental health services for children in street situations. These services should be staffed by professionals trained on child rights and the particular circumstances of children in street situations. States can promote properly supported peer education that can be especially effective in combating substance abuse, sexually transmitted infections and HIV. Particular attention is needed to protect children in street situations from involvement in the drug trade.

F. Education, leisure and cultural activities

Article 28 on education

54. Accessible, free, safe, relevant and quality education is crucial to preventing children from ending up in street situations and fulfilling the rights of children already in street situations. For many children, education represents the last connection point with wider societies. States should make adequate provision, including support to parents, caregivers and families, to ensure that children in street situations can stay in school and that their right to quality education is fully protected. A range of education options is necessary, including "second-chance education", catch-up classes, mobile schools, vocational training linked to market research and followed up with long-term support for income generation, and pathways into formal education, through partnerships with civil society. Teachers should be trained on child rights and children in street situations, and child-centred, participatory teaching methodologies.

Article 29 on the aims of education[53]

55. The aims of education for children in street situations should comply with article 29 and include literacy, numeracy, digital literacy, life skills, child rights education, tolerance for diversity, and citizenship education. Such education is vitally important for the fulfilment of children's rights to protection, development and participation, including strengthening their autonomy and empowering them to better negotiate situations of risk, to prevent children from ending up in street situations and for those who are in street situations. States should take measures to provide good quality, free child rights education and life skills universally to all children, through the school curriculum and through non-formal and street education, to reach out-of-school children.

Article 31 on rest, play and leisure

56. The Committee highlights the right to rest, play, leisure and participation in artistic and cultural activities. Children in street situations apply their own creativity to utilize the informal setting of the streets for play opportunities.[54] States should ensure they are not excluded in a discriminatory way from parks and playgrounds, for example, in relation to dress codes,[55] and adopt measures to assist them in developing their creativity and practising sport, including with mobile recreation and sports facilities.

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[52] Ibid., paras. 20-21; general comments No. 4, paras. 11 and 26; and No. 15, particularly paras. 8, 11 and 28.

[53] General comment No. 1 (2001) on the aims of education.

[54] General comment No. 17.

[55] Ibid., para. 49.

G. Violence against children and special protection measures

Articles 19 and 39 on freedom from all forms of violence[56]

57. Violence in all its forms — emotional, physical or sexual — is a fundamental cause and a consequence of children ending up in street situations. Violence of all kinds permeates the lives of children in street situations on a vast scale and it is a primary concern highlighted by children themselves. Specific, immediate and urgent measures need to be taken to protect children in street situations. In conjunction with all the recommendations in general comment No. 13, such measures include: prohibiting all forms of violence, including corporal punishment; mechanisms for reaching out to vulnerable children in the process of disconnecting from family and community; mechanisms for reporting violence, discrimination and other forms of rights violations; and mechanisms for holding perpetrators of violence to account, whether State or non-State, individuals or groups. Special mechanisms might have to be established to deal with individuals reported by these children as threats to their well-being, such as some members of the police and those involved in organized crime and drug trafficking.

Articles 34-36 on sexual abuse, sexual exploitation, trafficking and other exploitation

58. Children in street situations are particularly vulnerable to sexual violence and exploitation, and the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography is particularly relevant for them. Gender-sensitive responses should be made by professionals who are trained in understanding the specific circumstances of children in street situations. Children may have ended up in street situations through trafficking for sexual or labour exploitation, and/or may be vulnerable to such trafficking, as well as trafficking for body parts, and other forms of exploitation, once they are on the streets.

Article 32 on child labour

59. The Committee urges States to implement the provisions of article 32 (2) of the Convention, and the International Labour Organization Minimum Age Convention, 1973 (No. 138), and Worst Forms of Child Labour Convention, 1999 (No. 182), to protect children in street situations from economic exploitation and the worst forms of child labour. Action against child labour should comprise comprehensive measures, including the provision of support enabling children to transition into education and guaranteeing an adequate standard of living for them and their families. Such measures should be developed in collaboration with children in street situations and other key stakeholders to reflect children's best interests and to ensure they do not have any inadvertent negative impact on children's survival or development. The criminalization of begging or unlicensed trading can result in worse forms of survival behaviours, such as commercial sexual exploitation. Savings schemes to develop budgeting skills and safeguard earnings for children in street situations are beneficial.

Articles 37 and 40 on juvenile justice

60. Children in street situations are more likely to be targeted, criminalized and end up in the juvenile or adult justice system and less likely to benefit from diversion, alternatives to detention or restorative practices as they are unable to afford bail and may have no responsible adults to vouch for them. Police misconduct, such as harassment (including stealing children's money and possessions, rounding them up or arbitrarily moving children on, often on the orders of their superiors and/or politicians), corruption, extortion (for money or sex) and physical, psychological or sexual violence are common rights violations that States should criminalize as a matter of urgency. The Committee is concerned about the application of "zero tolerance" policies criminalizing children in street situations and resulting in forced institutionalization. States should support community policing, with an

[56] See general comments No. 3, paras. 19 and 36-37; No. 4, paras. 2 and 23; No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment; and No. 13.

emphasis on protection rather than punishment of children in street situations, and adopt a multicultural police service. States should guarantee all rights to all children, including those in street situations, in the context of a restorative rather than punitive juvenile justice system.[57]

Article 38 on armed conflict

61. The Optional Protocol to the Convention on the involvement of children in armed conflict is relevant as children in street situations are vulnerable to recruitment into armed forces or armed groups. Conflicts may lead to children ending up in street situations through the disruption of social networks, family separation, displacement from communities or rejection of demobilized child combatants from communities. In relation to prevention, child rights education, including peace education, and anti-recruitment initiatives need to reach children in street situations. Interventions to minimize the impact of armed conflict need to mitigate proactively the separation of children from families, and family tracing programmes should be prioritized. Disarmament, demobilization and reintegration programmes for children should take into account the dynamics of street-connectedness as a cause and a consequence of children's involvement in armed conflict.

VI. Dissemination and cooperation

Dissemination

62. The Committee recommends that States widely disseminate the present general comment within government, legal and administrative structures, to children in street situations, parents and caregivers, professional organizations, communities, the private sector and civil society. All channels of dissemination, including print media, the Internet, and children's own communication means, such as storytelling and peer education, should be used. This will necessitate translating it into relevant languages, including sign languages, Braille and easy-to-understand formats for children with disabilities and limited literacy levels. It also requires making culturally appropriate and child-friendly versions and pictorial rather than text-based versions available, holding workshops and seminars, implementing age- and disability-specific support to discuss its implications and how best to implement it, and incorporating it into the training of all professionals working for and with children in street situations. States are also encouraged to include information on children in street situations in their reports to the Committee.

International cooperation

63. The Committee calls upon States to strengthen international commitment, cooperation and mutual assistance in preventing children from ending up in street situations and protecting children already in street situations. This includes identifying and sharing rights-based practices that have been shown to be effective, research, policies, monitoring and capacity-building. Cooperation requires the involvement of States, United Nations bodies and agencies, regional organizations, civil society organizations (including child-led organizations and academics), children, the private sector and professional groups. The Committee encourages those actors to foster continuous, high-level policy dialogues and research in relation to quality, evidence-based interventions for prevention and response. This includes dialogues at the international, national, regional and local levels. Such cooperation may need to address the protection of children crossing borders as migrants, refugees and asylum seekers and as victims/survivors of cross-border trafficking.

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[57] See general comments No. 6, para. 61; and No. 10, paras. 6, 8-9 and 16.